REMARKS

Claims 56-87 stand rejected.

Claim 88 is new.

Claims 59, 67, 75 and 83 are cancelled.

Claims 56, 57, 64, 65, 72, 73, 80 and 81 are amended.

Rejection of Claims under 35 U.S.C. § 102

Claims 56-87 stand rejected under 35 U.S.C. § 102(e) as being anticipated by

U.S. Patent No. 6,754,661 B1 issued to Brookler et al., ("*Brookler*"). Applicants have

chosen to respectfully disagree and traverse the rejection, as follows. Applicants reserve

the right, for example, in a continuing application, to establish that the cited reference, or

other references cited now or hereafter, do not qualify as prior art as to an invention

embodiment previously, currently, or subsequently claimed.

As will be appreciated, "[a] ... claim is anticipated only if each and every element

as set forth in the claim is found, either expressly or inherently described, in a single prior

art reference." *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2

USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully submit that this burden

has not been met by the instant Final Office Action. Amended Claim 56, for example,

recites:

> 56.   A computer-implemented method comprising:
> associating an item with a class, wherein
> >   the class comprises associated attributes that describe members of the
> >   class,
> >   the associating comprises determining a class in a hierarchy,
> >   the determining is based on associated attributes necessary to describe the
> >   item,

<div align="center">- 8 -</div>

the associated attributes are associated with the class in the hierarchy, and
the associating the item comprises selecting the class such that each
associated attribute has a non-null value in describing the item;
storing a first record associating the item with the selected class; and
storing a second record associating the item with each associated attribute of the
class and a value of the attribute describing the item.

Applicants respectfully submit that the present Final Office Action does not articulate a

prima facie case of anticipation by *Brookler*, because the sections of *Brookler* cited by

the Final Office Action do not teach certain recited elements of Applicants' amended

Claim 56. Likewise, *Brookler* fails to teach all the limitations of amended independent

Claims 64, 72 and 80, which are rejected under substantially the same logic as that

applied in the rejection of amended Claim 56.

Specifically, amended Claim 56 recites, "the associating comprises determining a

class in a hierarchy, the determining is based on associated attributes necessary to

describe the item, [and] the associated attributes are associated with the class in the

hierarchy." The Final Office Action, in response to the previous language of cancelled

Claim 59, asserts that *Brookler* teaches the "said associating the item comprises

determining a class in a hierarchy that has associated attributes necessary to describe the

item" at Col. 11, lines 17-60. The cited text of *Brookler* teaches:

> FIG. 7 provides an example, according to the present invention, of
> attribute and feature value tables 407 and 408 populated with data.
> Attribute 1, a weight attribute, is of type characteristic while attribute 2, a
> memory attribute, is a feature attribute. Fields 729 and 730 provide
> additional information associated with characteristic attribute. 1 Field 729
> identifies a rating such as nominal, minimum, maximum, average or
> typical. Thus, for example, where a characteristic attribute is a
> measurement, a rating can identify a value as a nominal, minimum, etc.
> measurement. Field 730 specifies a type associated with a characteristic
> attribute. For example, where the characteristic attribute is a measurement,
> type may be used to further clarify the measurement type (e.g., length or

Application No.: 09/851,278

weight). A characteristic attribute may also have another field associated with it that identifies a unit of measurement.

A feature attribute such as attribute 2 has associated enumerated values which are defined in feature values table 708. Where, for example, attribute 2 of attribute table 707 stores an amount of computer memory, feature values table 708 may be used to define the set of valid installed memory values associated with attribute 2. In the example of feature values table 708, a value of 4, 16 or 64 MB of memory may be assigned as a value of attribute 2 associated with, for example, a data item.

Records contained in the tables depicted in FIG. 4 are used to reconstruct a data item. The data item's structure may be determined from UFT 401, category table 403, category-attribute table 404, attribute table 407 and feature values table 408. These tables are used to identify the fields (or attributes) associated with a data item. Values associated with the data item's fields may be obtained from UFT-feature values table 405 and UFT-characteristics table 406. FIG. 8 provides an example of a data item definition obtained from the tables in FIG. 4.

Record 801 of UFT 401 identifies the data item's category and also those fields that each of the data items in UFT 401 have in common. In the example of FIG. 8, each of the data items have description and price fields in common. Additionally, category ID field can be used to determine whether the data item has additional fields. Referring to records 804A and 804B indicates that the category associated with the data item (i.e., category 2) incl. .s attributes 1 and 2.

Brookler, Col. 11, lines 17-60. Respectfully, Applicants submit that the cited section of

Brookler does not teach "said associating the item comprises determining a class in a

hierarchy that has associated attributes necessary to describe the item," or the amended

recitation of "the associating comprises determining a class in a hierarchy, the

determining is based on associated attributes necessary to describe the item, [and] the

associated attributes are associated with the class in the hierarchy." No determining of a

class is taught, and determining a class that has associated attributes necessary to describe

the item is plainly absent. Further, because the cited text states, "tables are used to

identify the fields (or attributes) associated with a data item," one skilled in the art would

not expect a step of "determining a class that has associated attributes." The cited text of

Brookler suggests a less elegant approach in which the use of a class is neglected in favor of a table-lookup step relating attributes directly to an item.
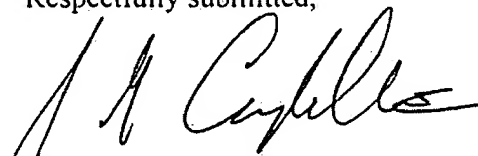
For at least this reason, Applicants respectfully submit that the Final Office Action fails to present a *prima facie* case of anticipation of amended Claim 56 by *Brookler*. Amended Claims 64, 72 and 80 recite similar limitations and are, likewise, patentable over *Brookler*. Similarly, Claims 57-63, 64-71, 73-79 and 81-87 depend from and further patentably distinguish Claims 56, 64, 72 and 80, respectively, and are likewise in condition for allowance. Applicants therefore request the Examiner's reconsideration and withdrawal of the rejections to those claims and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

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Application No.: 09/851,278